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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/414,483

**Applicant(s)**

KARALIC, MEHO

**Examiner**

Jeanette E. Chapman

**Art Unit**

3633

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 53-58, 63 and 64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-58, 63-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

*35 USC 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all respective obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 53-57 and 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butcher (3258889) in view of doyon et al (4676038)

Claim 53

Butcher discloses a building component, comprising.

a plurality of lengths of lumber 16 connected together to form a rectangular frame around an opening; see figure 1

a form material 24 provided said opening;

a reinforcement skin 22/26 of composite material adhering to said lengths of lumber 16 and to said foam material at one side of said frame;

said reinforcement skin extending over said lengths of lumber at said one side of said frame and also over said opening, whereby said rectangular frame is reinforced by said reinforcement skin against the action of racking forces on said rectangular frame; butcher shows corner connectors interposed between and interconnecting said lengths of lumber at corners of said rectangular frame;

but lacks the corner connector each comprising a box-shaped intermediate section;

said intermediate section having opposite vertical side walls, a horizontal top wall and a horizontal bottom wall;

said corner connectors each including a horizontal flange projecting from one of said vertical side walls and a vertical flange projecting upwardly from said horizontal top wall;

Doyon discloses the corner connector each comprising a box-shaped intermediate section 1; said intermediate section having opposite vertical side walls, a horizontal top wall and a horizontal bottom wall; see figure 9

said corner connectors each including a horizontal flange 19 projecting from one of said vertical side walls and a vertical flange 19 projecting upwardly from said horizontal top wall

Butcher discloses the lengths of lumber comprising vertical and horizontal lengths of lumber extending at right angles to and when the corner connectors are substituted for the connectors 18 of doyon et al the same would result in abutment longitudinally thereof with said horizontal top wall and said one of said side walls, respectively, and being in face-to-face contact, laterally thereof, with said vertical and horizontal flanges, respectively. As shown the panels 57/59 and 61 of Doyon et al.

It would have been obvious to one of ordinary skill in the art to substitute the connectors 18 of Butcher for those of Doyon in order to make a stronger frame structure.

#### Claim 54

Butcher discloses a building component as claimed in claim 53, wherein said reinforcement skin extends over the entirety of said one side of said frame. See figure 3 and figure 1

#### Claim 55

Butcher discloses a building component as claimed in claim 53, wherein said reinforcement skin overlaps and adheres to the periphery of said rectangular frame. See figures 1 and 3

Claim 56

Butcher discloses a building component as claimed in claim 53, wherein said reinforcement skin 22/26 overlaps and adheres to an opposite side of said frame. See figures 1 and 3

Claim 57

Butcher discloses that his skin may be constructed of wallboard which has been known to be made of reinforced with fiber.

Claim 58 (previously presented): A building component as claimed in claim 53, including a fiber mesh reinforcing said composite material.

Claims 59 to 62 (cancelled)

Claim 63

Butcher discloses In combination in a building structure:

a vertical length of lumber 18;

a horizontal length of lumber 12;, and

a metal corner connector 18 interposed between and interconnecting said vertical and horizontal lengths;

Butcher lacks the said corner connector comprising a box-shaped intermediate section;

said intermediate section having opposite vertical side walls, a horizontal top wall and a horizontal bottom wall;

said corner connector including a horizontal flange projecting from one of said vertical side walls and a vertical flange projecting upwardly from said horizontal top wall;

Doyon discloses the corner connector each comprising a box-shaped intermediate section 1; said intermediate section having opposite vertical side walls, a horizontal top wall and a horizontal bottom wall; see figure 9

said corner connectors each including a horizontal flange 19 projecting from one of said vertical side walls and a vertical flange 19 projecting upwardly from said horizontal top wall

Butcher discloses the lengths of lumber comprising vertical and horizontal lengths of lumber extending at right angles to and when the corner connectors are substituted for the connectors 18 of Doyon et al. the same would result in abutment longitudinally thereof with said horizontal top wall and said one of said side walls, respectively, and being in face-to-face contact, laterally thereof, with said vertical and horizontal flanges, respectively. As shown the panels 57/59 and 61 of Doyon et al.

It would have been obvious to one of ordinary skill in the art to substitute the connectors 18 of Butcher for those of Doyon in order to make a stronger frame structure.

With the modification of Doyon, Butcher discloses said vertical and horizontal lengths of lumber extending at right angles to and in abutment longitudinally thereof with said horizontal top wall and said one of said side walls, respectively and being in face-to-face contact, laterally thereof, with said vertical and horizontal flanges, respectively; and  
said vertical length of lumber having a longitudinal side surface flush with said one of said vertical side walls and said horizontal length of lumber having a longitudinal side surface flush with said horizontal bottom wall.

Claim 64

Butcher discloses in combination in a building structure:

a vertical length of lumber 18;

a horizontal length of lumber 12; and

Doyon discloses the corner connector each comprising a box-shaped intermediate section 1; said intermediate section having opposite vertical side walls, a horizontal top wall and a horizontal bottom wall; see figure 9

said corner connectors each including a horizontal flange 19 projecting from one of said vertical side walls and a vertical flange 19 projecting upwardly from said horizontal top wall

Butcher discloses the lengths of lumber comprising vertical and horizontal lengths of lumber extending at right angles to and when the corner connectors are substituted for the connectors 18 of Doyon et al. the same would result in abutment longitudinally thereof with said horizontal top wall and said one of said side walls, respectively, and being in face-to-face contact, laterally thereof, with said vertical and horizontal flanges, respectively. As shown the panels 57/59 and 61 of Doyon et al.

It would have been obvious to one of ordinary skill in the art to substitute the connectors 18 of Butcher for those of Doyon in order to make a stronger frame structure.

With the modification of Doyon et al. the following is true:

vertical and horizontal lengths of lumber extending at right angles to and in abutment longitudinally thereof with said horizontal top wall and said one of said side walls, respectively and being in face-to-face contact, laterally thereof, with said vertical and horizontal flanges, respectively;

said horizontal length of lumber one of a pair of horizontal lengths of lumber, and said

horizontal flange being one of a pair of horizontal flanges projecting from mid-sections of respective ones of said vertical side walls and fitting snugly on respective ones of said pair of horizontal lengths of lumber;

said vertical flange projecting from a mid-section of said horizontal top wall and said vertical length of lumber being one of a pair of vertical lengths of lumber in contact with opposite sides of said vertical flange and in longitudinal abutment with said horizontal top wall; and  
said vertical lengths of lumber each having a longitudinal side surfaces flush with a respective one of said vertical side walls and said horizontal lengths of lumber each having a longitudinal side surface flush with said horizontal bottom wall.

Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Butcher (3258889) in view of Doyon et al (4676038) and further in view of Lehnert.

Butcher lacks the composite material including a fiber mesh. Lehnert teaches a composite building material may include a fiber mesh. It would have been obvious to include this material to strengthen the structural integrity of the wall.

Applicant's arguments are moot in view of the new ground of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/  
Primary Examiner, Art Unit 3633